

REMARKS

Claims 117-127, 129-130, 132-134, 137-147, 149-151 and 154-196 are pending. By this Amendment, claim 189 is amended.

Reconsideration based on the following remarks is respectfully requested.

The February 23, 2007 Final Rejection rejects claims 145, 178, 179-191 and 193-196 under 35 U.S.C. 102(b) over Sauer (U.S. Patent No. 5,624,428), and claims 117-127, 129, 130, 133, 134, 137-144, 146, 147, 149-151 and 155-177 under 35 U.S.C. 103(a) over Sauer. These rejections are respectfully traversed.

Regarding independent claims 117, 129, 146, 163, 168, 173 and 179, Sauer does not disclose or even suggest an absorbent article including, inter alia, hook fasteners that are permanently and directly attached to the outer surface of the back waist portion.

Instead, Sauer discloses an absorbent article having an expansion member 46 that is permanently attached to the inner surface of the rear portion 24 of the absorbent article. See FIG. 2 of Sauer.

The Final Rejection asserts that it would have been a matter of obvious design choice to permanently attach the expansion member 46 of Sauer to the outer surface of the back waist portion, instead of the inner surface, to arrive at the claimed invention. However, permanently attaching the expansion member 46 to the outer surface of the back waist portion would result in an absorbent article which, once placed around the wearer's waist, would have extremely bulky sides, since such a configuration would require each lateral

edge of the back waist region to be curled around itself in order for the primary fastener to be disposed in face to face relation with the front waist region (see attached figure, showing the Examiner's proposed modification to Sauer). One having ordinary skill in the art would simply have no motivation to make such a modification to Sauer in light of the resulting bulkiness. The Examiner asserts that motivation exists in the desire to reduce irritation to the wearer. However, it is not clear how such a modification would reduce irritation, since even with no modification, the fasteners of Sauer are not in contact with the wearer's skin.

Regarding independent claims 145 and 178, Sauer does not disclose or even suggest an absorbent article including, inter alia, a third prefolded nonwoven connector and a fourth nonwoven connector, where the first prefolded nonwoven connector is releasably preengaged with the third prefolded nonwoven connector and the second prefolded nonwoven connector is releasably preengaged with the fourth prefolded nonwoven connector.

Instead, Sauer discloses the use of only two connectors (expansion members 46) that connect the rear portion 24 to the front portion 22. The Final Rejection asserts that Sauer teaches that the front waist region can alternatively have separate fasteners (see col. 7, lines 30-32 of Sauer) in addition to the disclosed expansion members 46. However, these "separate fasteners" are not disclosed as being pre-folded, as required by the claims, but instead separate patch-like fasteners are suggested.

Further, the Advisory Action indicates that claims 145 and 178 are allowable over the Sauer patent.

Regarding independent claim 189, Sauer does not disclose or even suggest an absorbent article including, inter alia, a second portion of the prefolded unitary nonwoven connector being attached permanently to the inner surface of the back waist portion so as to cover the full width of the back waist portion from the first lateral end of the back waist portion to the second lateral end of the back waist portion.

Instead, Sauer discloses connectors 46 that are only attached to the lateral ends of the waist portions, and which do not extend from one lateral end of the waist portion to the other lateral end.

For at least these reasons, it is respectfully submitted that claims 117, 129, 145, 146, 163, 168, 173, 178, 179 and 189 are in condition for allowance. The dependent claims are also in condition for allowance for the reasons discussed as well as for the additional features they recite.

EFS
Confirmation No.: 1294
Appl. No. 10/646,937
Applicant: Hamzeh Karami
Amdt. dated March 24, 2008

If any fee is deemed necessary to preserve the pendency of the subject application, authorization is hereby given to charge any such fee to Deposit Account No. 01-1785.

Respectfully submitted

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Dated: March 24, 2008
New York, New York

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“MULTI-FOLD FASTENING SYSTEM” PATENT APPLICATION
(34304/119)

-EXAMINER’S PROPOSED MODIFICATION TO SAUER PATENT-

